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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/831,334

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Onno Dirk Oenema

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08/03/2004

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EXAMINER

ROBINSON, MARK A

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/831,334	Applicant(s) OENEMA ET AL.	
	Examiner Mark A. Robinson	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 27-31 are objected to because of the following informalities: in claim 27 there appears to be a conjunction missing between "support" and "for" in section (d). In claim 31 "now" should be "non" in section (b). Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huizenga 5900999 in view of Fuerst 6247823.

Huizenga discloses a mirror assembly and method for making the same including a support(at 12), a mirror housing(11) including a single build up element(19) formed of non-conductive material with conductive strips molded therein, a mirror

Art Unit: 2872

plate(13), and electromechanical means (shown in fig. 3) for adjusting the mirror plate relative to the housing. Note that Huizenga's conductive strips inherently provide increased strength and rigidity of the build up element.

Huizenga does not disclose electromechanical means for adjusting the housing relative to the support, means for performing ancillary function, or an electronics unit received in the hollow for controlling energization of the mirror adjustment. However, each of these features is known in the prior art--the means for adjusting the housing relative to the support and the means for performing ancillary function as taught on pages 6-7 of the instant specification and the electronic PCB in the hollow of a build up element as shown in fig. 1 of Fuerst. It would have been obvious to the ordinarily skilled artisan at the time of invention to include known means for adjusting the housing relative to the support and for performing ancillary function in order to allow for folding of the mirror unit when parking or storing the vehicle and to provide the mirror with an auxiliary function such as a turn signal, mirror heater, etc. Further, it would have been obvious to include an electronics unit which includes a PCB in the hollow of a mirror build-up element as taught by Fuerst in Huizenga's system in order protect the electronics unit, which

Art Unit: 2872

provides for the various ancillary functions (heating, etc.), from deleterious environmental effects as taught by Fuerst (see the abstract).

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

Applicant has argued that a power fold mechanism is not taught by the references. However, power fold mechanisms are well known in the art and this fact is acknowledged by applicant on pages 6-7 of the specification. The examiner is still of the opinion that this known feature would provide Huizenga's mirror the obvious advantage of enabling folding the mirror when parking or storing the vehicle.

Applicant has also argued that the references do not teach reinforcement of the build up element. However, the molded conducting strips taught by Huizenga will inherently provide a degree of reinforcement to the build up element, thus satisfying the claimed limitation.

Applicant has also argued that there is no teaching of combining the electronics for controlling the power fold actuator and the mirror adjusting actuator into a single unit. However, as Fuerst's electronics control unit controls all of

Art Unit: 2872

the mirror functions, when this control unit is combined with Huizenga's mirror and the known power fold mechanism as discussed above, it would follow that this electronic control unit would control all of these functions, thus satisfying the claimed limitation.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

Art Unit: 2872

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

7/30/04


MARK A. ROBINSON
PRIMARY EXAMINER